

REMARKS

Claims 1, 5-14, 16, and 18-40 are pending in this application after this Amendment. Claims 1, 14, 27, and 35 are independent. In light of the amendments and remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1 and 14 under 35 U.S.C. §112, second paragraph. The Examiner further rejected claims 1, 5-6, 14, 18-19, 22, 27-30 and 32-38 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* (USP 6,789,191) in view of *Dorenbos* (USP 5,751,813) and further in view of *Sekendur* (USP 5,852,434); rejected claim 16 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* in view of *Dorenbos* and *Sekendur* and further in view of *Jalili* (USP 6,209,104); and rejected claims 7-13, 20-21, 23-26, 31, and 39 under 35 U.S.C. §103(a) as being unpatentable over *Lapstun et al.* in view of *Dorenbos* and *Sekendur* and further in view of *Schneier*. Applicant respectfully traverses these rejections.

Request for Personal Interview

This Request for Continued Examination and Reply are being submitted together with a Request for a Personal Interview. Applicant respectfully requests that the Examiner contact Applicant's representative as indicated below to schedule and conduct a personal interview prior to formal consideration of the arguments and amendments included herein on the record.

Claim Rejections – 35 U.S.C. §112

The Examiner rejected claims 1 and 14 asserting the term “optionally” is indefinite. Applicant respectfully submits that claim 14 does not recite this term and, as such, it is respectfully requested that the outstanding rejection be withdrawn.

By previous amendment, Applicant has amended claim 1 to remove the term in question. It is respectfully submitted that the term does not render the claim indefinite. However, in order

to advance prosecution, Applicant has amended the claim to remove this term. Based upon this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)-*Lapstun et al./Dorenbos/Sekendur*

In Applicant's Reply filed September 13, 2005, Applicant argued that the cited references failed to teach or suggest all of the claimed elements, namely, sending the at least one absolute position recorded from the secure note to a database device, **in which the at least one absolute position is associated with an address of the receiving device**. Applicant further argued that there was no teaching in *Lapstun et al.* that was directed to receiving, in the digital pen, the address and the encryption key of the receiving device from the database device as recited in claim 1. In the Advisory Action mailed October 7, 2005, the Examiner acknowledges that Applicant presented these arguments. However, the Examiner failed to address Applicant's argument that *Lapstun et al.* fails to teach or suggest in which the at least one absolute position is associated with an address of the receiving device.

Applicant respectfully directs the Examiner's attention to pages 14 and 15 of Applicant's Reply filed September 13, 2005, and respectfully requests that the Examiner respond to this argument.

In considering the Examiner's comments in the Advisory Action, Applicant respectfully submits that the citations provided in the Examiner's comments fails to identify where *Lapstun et al.* teaches in which the absolute position is associated with an address of the receiving device. Applicant maintains that none of the references, either alone or in combination, assuming these references are combinable, which Applicant does not admit, teach or suggest this claim element. As such, Applicant maintains that claim 1, as currently pending, is not obvious over the references as cited by the Examiner.

It is respectfully submitted that claims 5-8, 10, and 40 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 14, 27, and 35 include elements similar to those discussed

above with regard to claim 1 and thus these claims, together with the claims dependent thereon, are not obvious for the reasons set forth above with regard to claim 1.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 13, 2005

Respectfully submitted,

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